UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,642	09/19/2003	Steve LanPing Huang	81230.94US1	6107

34018 7590 02/01/2008		EXAMINER
GREENBERG TRAURIG, LLP		HOLLOWAY III, EDWIN C
77 WEST WACKER DRIVE		
SUITE 2500	ART UNIT	PAPER NUMBER
CHICAGO, IL 60601-1732	2612	

MAIL DATE	DELIVERY MODE
02/01/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

Office Action Summary

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _14 November 2007_.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _68-109_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) _72-81_ is/are allowed.

6) ☒ Claim(s) _68-71 and 82-109_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All b) ☐ Some * c) ☐ None of:

　　　1. ☐ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Applicant's submission filed on 11-14-07 has been entered.

No amendments have bee submitted with the current response.   The

examiner has considered the applicant's arguments in view of the

disclosure and the present state of the prior art.   And it is

the examiner's opinion that the claims are unpatentable for the

reasons set forth in this Office action:

Specification

2.   Applicant is reminded that specification should again be

updated to include the current status and patent numbers for any

listed applications that are issued or abandoned.

Priority

3.   Applicant's   claim   for   the   benefit   of   a   prior-filed

application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121,

or 365(c) is acknowledged.   Applicant has not complied with one

or more conditions for receiving the benefit of an earlier

filing date under 35 U.S.C. 120 as follows:

The later-filed application must be an application for a

patent for an invention that is also disclosed in the prior

application (the parent or original nonprovisional application

or provisional application). The disclosure of the invention in

the parent application and in the later-filed application must

be sufficient to comply with the requirements of the first

paragraph of 35 U.S.C. 112.   See *Transco Products, Inc. v.*

Performance Contracting, Inc., 38 F.3d 551, 32 USPQ2d 1077 (Fed.

Cir. 1994).

The disclosure of the following prior-filed applications

fails to provide adequate support or enablement in the manner

provided by the first paragraph of 35 U.S.C. 112 for one or more

claims of this application:

> ➤ Application No. 10/151,635, filed 20 May 2002, which is
> (1) a CIP of 09/615,473, filed 13 July 2002; (2) CIP of
> 09/334,584, filed 16 July 1999 (now US 6,781,518), which
> is a CIP of 09/121,229, filed 23 July 1998 (now US
> 6,157,319); and (3) a CIP of 09/905,423, filed 13 July
> 2001, which claims benefit of 60/264,767, filed on 29
> January 2001.

> ➤ Application No. 10/288,727, which claims benefit of
> 60/344,020, filed 20 December 2001, and 60/334,774, filed
> 20 November 2001.

These applications (10/151,635, 09/615,473, 09/334,584,

09/121,229, 09/905,423, and 10/288,727 all fail to provide

adequate support a radio frequency identification (RFID) tag

and reading system as claimed in claims 68-81, 84-92 and 95-109

discussed on pages 11-18, 26-31, and 36 of the current

specification as filed. Further, although the 10151635

application included manufacturer information, the other claimed

applications fail to provide adequate support for the machine

readable tag storing standardized information that functions to

identify at least the appliance and manufacturer of the

appliance in claims 82-109. Consequently, in the prosecution of

this application, the priority date of the subject matter in

claims 82-83 and 93-94 is established to be the filing date of

the 10151635 application (20 May 2002), and for the subject

matter of all other claims is established to be the filing date

of the instant application (i.e., 19 September 2003).

Claim Rejections - 35 USC § 103

4.   The text of those sections of Title 35, U.S. Code not

included in this action can be found in a prior Office action.

5.   Claims 68-71 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Stefanik US006750801B2) in combination with

Kaario (US 2005/0242167) and Nickum (US006359661B1).

Regarding claim 68, Stefanik discloses a method of

configuring an appliance including receiving data directly from

a smartcard via the receiver of a universal remote control the

data user profile, parental controls, visual settings or any

other information individualized to the user or unique to the

individual in col. 6 lines 54-62. The information is forwarded

form the remote control by transmitter 86 to receiver 144 of

appliance or consumer electronic device 140 in fig. 4 and col. 7

lines 10-24. The appliance is programmed to be configured in

response to this information in col. 5 lines 24-41. Stefanik

differs from the claims by not specifying the smartcard is an

RFID tag and not specifying preferences mapped within memory of the appliance in accordance with the individual represented by the RFID.

Kaario discloses an analogous art method of configuring an appliance using an RFID token or tag. See the abstract. Par. 0043 and 0066 state that ID data may be stored on an RFID tag/transponder, or smart card, or other media. The appliance includes memory 235 that maps preferences to the appliance based on the individual identified by the RFID/smartcard. See par. 0036 and 0041.

Nickum discloses an analogous art system and method for creating, maintaining and activating a user customizable profile by inputting an ID via a remote controller. The profile may be stored in the remote or stored in the appliance, such as a TV, and selected by the ID. The ID may be stored in the remote or input by the user, and may provide access restriction such as channel blocking. See the abstract col. 4 line 32 col. 5 line 65 and col. 8 lines 34-46.

Regarding claim 68, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Stefanik to have included the identifying information on a RFID as disclosed in Kaario because Kaario discloses RFID and smart card as obvious alternatives for

appliance configuration and Stefanik suggest contactless reading

in col. 6 lines 50-53. Alternatively, it would have been obvious

to have included the in Kaario the reader on the universal

remote 210 to forward the information to the appliance as

disclosed by Stefanik in view of Kaario teaching the storing the

RFID data on other devices. Further, storing within memory of

the appliance one or more preferences mapped to an individual

represented by the RFID would have been obvious in view of the

memory in the appliance of Kaario for storing electronic program

guide (EPG) information and Nickum disclosing user profile

related to channel selection and other TV programming selected

by user ID and stored on the appliance as an alternative to

storage on the remote control and suggested by Stefanik also

being directed to configuration of EPG events and other

settings. Although Kaario discloses URL or IP address

identifying the location of data on a network, it would have

been obvious to have stored the data on the appliance in view of

par. 39 line 5 of Kaario disclosing that data can be stored

locally or remotely and par. 0063-0064 of Kaario disclosing

uploading or moving of profiles from the appliance to a server

or another appliance, thus storing one or more profile on an

appliance.

Regarding claim 69, limited access would have been obvious

in view of the parental controls, pay-per-view purchase and spending limits in col. 6 lines 54-63 of Stefanik.

Regarding claim 70, accessing content would have been obvious in view of the user history, favorite shows, favorite channels,... in col. 6 lines 54-63 of Stefanik.

Regarding claim 71, command transmission would have been obvious in view of forwarding the read data by remote control signal in col. 7 lines 17-24 and/or the parental control and visual settings in col. 6 lines 54-63 of Stefanik.

6.   Claims 82-86, 93-97 and 108-109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang (US 6,133,847) in view of Kitao (US006124804A) and [Sarma (The Networked Physical World) or Brock (The Electronic Product Code)].

Referring to claims 82 and 93, Yang teaches a configurable remote control device 100 having a memory 120 that stores programming code for controlling a plurality of appliances 160, such as VCR 200 and TV 220 (see Figs. 1-3B; Col. 3, lines 50-56; Col. 4, lines 39-46; and Col. 8, lines 32-44). As shown in Figs. 1-3B, Yang's remote control device 100 communicates bi-directionally with appliance 160 via data link 150, which is a radio frequency (RF) signal (see Col. 3, lines 19-24 and 66-67; Col. 4, lines 1-5; and Col. 8, lines 10-24). As shown in Fig.

4, Yang's method for setting up remote control device 100, which

includes processor 135 and instructions for setting up remote

control device 100 upon receiving an appliance 160's interface

control signal (see Col. 4, lines 6-14), comprises (a) receiving

an interface control signal, which is an identification signal,

from a plurality of appliances 160 via remote control device

100's receiver 112 at step 410 (see Fig. 1; Col. 3, lines 25-29

and 50-65; Col. 7, lines 22-26; and Col. 8, lines 10-17 and 54-

59); and (b) using the interface control signal received from

each appliance 160 to cause select commands to be mapped to

select command keys at steps 415 and 420, whereby remote control

device 100 is set up such that activation of one or more of the

select command keys causes remote control device 100 to issue

via its transmitter 114 one or more of the select commands to

command operation of an appliance 160 that has been associated

with the interface control signal at step 425 (see Figs. 2A, 2B,

3A, and 3B; Col. 4, lines 6-31 and 52-67; Col. 5, lines 1-32 and

48-67; Col. 6, lines 1-58; and Col. 7, lines 26-34). Yang

discloses a separate transmitter 114 and receiver 112 that may

be of different medium (IR vs. RF) but uses the transmitter for

remote control signals (col. 3 lines 7-46). Yang, however,

fails to teach that the interface control signal is received

from a machine readable tag storing standardized information

that functions to identify at least the appliance and vendor of

the appliance.

In analogous art, Kitao discloses a method and configuring

a remote controller. The remote controller sends a trigger

signal and the appliance that replies with a identifying device

code stored in memory 117. The device code includes information

identifying the manufacturer name and the appliance (such as

category, version, lot number). This information is used to

configure the controller. See col. 3 lines 15-33 and col. 4

lines 33-67. The controller may include a 0trigger transmitter

301 separate from the remote control command transmitter 302 and

receiver 105 in fig. 3 and col. 8 lines 60-65.

Sarma discloses a method for tagging of products or objects

with ID using an open architecture that is flexible and

adaptable to change. An electronic product code or EPC standard

code with code including manufacturer and product data is

included on pg. 6, fig. 1 that is stored in a RF or EMID tag in

sec. 4.2 on pp. 6+. Scanned optical UPC tags are discussed on

pg. 6 lines 5-6 as known standard ID tags. Use in the home is

provided by discussion of UPnP for home in sec. 8.2 on pg. 14

and HAVi protocol for home use in sec. 8.4 on pp. 14+.

Brock discloses a method for tagging of products or objects

with ID using an open standard that is simple, extensible and

efficient. An electronic product code or EPC standard code with

code having manufacturer and product data is included in fig. 9

and sec. 5.4.1 on pp. 19+ that is stored in a barcode, RFID or

EMID tag in sec. 2.1 on pg. 6. Scanned optical UPC tags are

further discussed in sec. 3.1 on pp. 7+ and sec. 4.12 on pp. 17+

as known in barcode tags that include manufacturer and product

information. Use in the home is provided by discussion

operating not just at checkout, but in the home in sec. 2 (line

10) on p. 5.

Therefore, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to

modify Yang's remote control device 100 and method as taught by

Sarma or Brock such that a remote control device 100 receives

appliance 160's interface control data from a machine readable

tag storing standardized information that functions to identify

at least the appliance and manufacturer of the appliance because

the tag of Sarma or Brock enables flexible, simple, extensible

and efficient retrieval of pertinent information to uniquely

identify a plurality of items for use in the home and is

suggested by Kitao using a device code with manufacturer and

appliance data in a memory tagging an appliance for configuring

a remote controller. Further, regarding separate transmission

circuit, Yang discloses command transmitter 114 and data

receiver 114, but if a trigger/interrogation transmitter

separate from the command transmitter is required, then such

would have been obvious in view of Kitao because Kitao discloses

such two transmitters as an alternative configuration in a

method for configuring a remote controller. Further, it has

been held that to be entitled to weight in method claims, the

recited structure limitations therein must affect the method in

a manipulative sense, and not to amount to the mere claiming of

a use of a particular structure. Ex parte Pfeiffer, 1962 C.D.

408 (1961).

Regarding claims 83 and 94, optical UPC labels are

disclosed in Sarma or Brock and would have been obvious in view

of the optical communication in Yang and/or for compatibility

with prior art systems.

Regarding claims 84 and 95, RFID/EMID RF tags are disclosed

in Sarma or Brock and would have been obvious for know

advantages such as non-line of sight communication and suggested

by col. 3 line 40-42 of Yang teaching different control and

identification signal mediums such as IR and RF.

Regarding claims 85 and 96, the combination applied above

comprises using the data received from an RFID tag to cause

select programming code (i.e., select commands) stored in remote

control device 100's memory 120 (i.e., a library stored locally

on remote control device 100) to be mapped to select command

keys (see Yang, Col. 3, lines 50-65; Col. 4, lines 6-31 and 52-

67; Col. 5, lines 1-32 and 48-67; and Col. 6, lines 1-58).

Regarding claims 86 and 97, Yang teaches that remote

control device 100 will automatically attempt to find the

programming code in one of the many download mechanisms,

starting with appliance 160 itself, and request that the

programming code for a particular appliance identifier be

downloaded to remote control device 100 when remote control

device 100 receives an interface control signal from an

appliance 160 that lacks programming code already stored in

remote control device 100's memory 120 (see Yang, Col. 8, lines

54-66); thus Yang, as modified by Sarma or Brock, teaches using

the data received from an machine readable tag to cause

programming code (i.e., select commands) from a library stored

within appliance 160 to be downloaded into remote control device

100 and mapped to select command keys (see Yang, Figs. 2A, 2B,

3A, and 3B; Col. 4, lines 6-31 and 52-67; Col. 5, lines 1-32 and

48-67; Col. 6, lines 1-58; and Col. 7, lines 26-34).

Regarding claim 108, the combination applied above further

comprises remote control 100 device transmitting an RF signal

to initiate receiving data via RF signal from the RFID tags (see

the trigger signal in Kitao the corresponds to an interrogation

signal from an RFID reader.

Regarding claim 25, the combination applied above comprises receiving data from each RFID tag within a radio communication area of remote control device 100 (see Yang, Col. 3, lines 19-29 and Col. 8, lines 10-14; col. 12 line 66 - col. 13 line 37 of Kita; p. 12 of Sarma; and p. 6 of Brock).

7.   Claims 87-88, 90, 98-99 and 101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang (US 6,133,847) in view of Kitao (US006124804A) and [Sarma or Brock] as applied above, and further in view of Harris et al. (US 2001/0033243).

Regarding claims 87-88, 90, 98-99 and 101, though Yang teaches remote control device 100 automatically attempting to find the programming code in one of the many download mechanisms and request that the programming code for a particular appliance identifier be downloaded to remote control device 100 when remote control device 100 receives an interface control signal from an appliance 160 that lacks programming code already stored in remote control device 100's memory 120 (see Yang, Col. 8, lines 54-66), the combination applied above lacks (1) establishing a connection with the library directly from remote control device 100 (as called for in claims 87 and 97), and (2) establishing a connection with the library by means of an

intermediate device (as called for in claims 88 and 99), wherein
(3) the intermediate device is a personal computer (as called
for in claims 90 and 101).

In an analogous art, Harris teaches an online remote
control configuration system, as shown in Figs. 7 and 8,
comprising electronic system 100 of remote control configuration
system 10 (hereinafter referred to as "remote control 10") that
connects to Internet 130 via computer system 60 (i.e., a
personal computer) or directly (see Sections [0050]-[0059]).
Harris's method for setting up remote control 10, which has a
microprocessor 116 that retrieves instruction from memory in
order to control remote control 10 (see Sections [0054]-[0055],
[0058], and [0061]), comprises (a) receiving a signal emitted
from a remote control corresponding to electronic device 12 and
uploading the sampled signal to control station 40 via Internet
130 or entering relevant product information of electronic
device 12, such as device type and model, to control station 40
via Internet 130 (see Sections [0047]-[0048] and [0077]-[0084]);
and (b) using the sampled signal to cause configuration data
(i.e., select commands) from a library stored at control station
40 to be downloaded into remote control 10 and mapped to select
command keys (see Sections [0063], [0082], and [0085]-[0086]).
As called for in claims 87 and 98, Harris's method includes

remote control 10 establishing an Internet connection with a
library stored at control station 40 directly from remote
control 10 (see Fig. 8 and Sections [0059], [0081], and [0085]).
As called for in claims 88 and 99, Harris's method also includes
remote control 10 establishing an Internet connection with a
library stored at control station 40 by means of an intermediate
device, wherein the intermediate device is computer system 60
(i.e., a personal computer since remote control 10 is used for
controlling home electronic devices), as called for in claims
890 and 101 (see Fig. 7 and Sections [0059], [0081], and
[0085]).

Therefore, it would have been obvious to one having
ordinary skill in the art at the time the invention was made to
modify the remote control device 100 and method of the
combination applied above as taught by Harris because
establishing a connection with the library directly from remote
control device 100 (as called for in claims 87 and 98) or
establishing a connection with the library by means of an
intermediate device (as called for in claims 88 and 99), wherein
the intermediate device is a personal computer (as called for in
claims 90 and 101), allows equipment manufacturers to maintain a
centralized library containing the programming codes for each
appliance 160, thereby eliminating the need to provide

programming codes within each appliance 160, which reduces

production costs, and facilitating programming code updates.

8.   Claims 88-89 and 99-100 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Yang (US 6,133,847) in view of Kitao

(US006124804A) and [Sarma or Brock] as applied above, and

further in view of van Ee et al. (US 6,774,813).

Regarding claims 88-89 and 99-100, though Yang teaches

remote control device 100 automatically attempting to find the

programming code in one of the many download mechanisms and

request that the programming code for a particular appliance

identifier be downloaded to remote control device 100 when

remote control device 100 receives an interface control signal

from an appliance 160 that lacks programming code already stored

in remote control device 100's memory 120 (see Yang, Col. 8,

lines 54-66), the method of the combination applied above lacks

establishing a connection with the library by means of an

intermediate device (as called for in claims 88 and 99), wherein

the intermediate device is a cable set top box (as called for in

claims 89 and 100).

In an analogous art, van Ee's system, as shown in Fig. 1,

comprises (1) programmable control device 106 that controls

apparatus 102 and 104 (see Col. 5, lines 30-49) and (2)

programming means 110, which is a set top box, that programs

control device 106 and includes Internet connection hardware 114

that connects to remote server 118, which has a database (i.e.,

library) of a plurality of respective sets of multiple control

signals to control a plurality of apparatuses (see Col. 5, lines

50-65). Van Ee's method, as shown in Fig. 2, comprises (a) a

user selecting control codes from a database (i.e., library)

stored at remote server 118 to be downloaded into control device

106 and mapped to select command keys at step 202 (see Col. 5,

lines 50-67; Col. 6, lines 1-23; and Col. 7, lines 35-42); (b)

remote server 118 identifying all the sets of control codes

corresponding to the user-selected apparatus type/brand

combination at step 206 and selecting a particular control code

corresponding to a particular function of the apparatus to be

controlled and transmitted the control codes to programming

means 110 via Internet 116 at step 210 (see Col. 7, lines 43-

49); (c) programming means 110 interleaving control codes with

associated identifier codes and transmitting the interleaved

control signal to control device 106 to program control device

106 at step 214 (see Col. 7, lines 50-54); (d) the user pressing

a button on control device 106's user interface 108 to transmit

a control code and its associated identified code for each press

at step 216 to determine whether the apparatus to be controlled

responded to the transmitted control code at step 218 (see Col.

7, lines 54-58); (e) if the apparatus responded to a transmitted

control code, associating the identifier code associated with

the control code that caused the apparatus to respond with its

respective control code at step 220, and transmitting the

respective control code to remote server 118 via Internet 116 at

step 22 (see Col. 7, lines 60-66); (f) remote server 118

identifying the set of control codes in which the respective

control code belongs to at step 22 and transmitting the

identified set to programming means 110 at step 226 (see Col. 7,

lines 66-67 and Col. 8, lines 1-2); and (g) programming means

110 transmitting the identified set to control device 106 to

associate the control codes of the identified set with control

device 106's multiple user inputs (i.e., to map select commands

to select command keys). As called for in claims 88 and 99, van

Ee's method comprises control device 106 establishing a

connection with remote server 118's library by means of an

intermediate device, which is a set top box, as called for in

claims 89 and 100 (see Col. 5, lines 50-56; Col. 7, lines 36-67;

and Col. 8, lines 1-15).

Therefore, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to

modify remote control device 100 and method of the combination

applied above as taught by van Ee because establishing a

connection with the library by means of an intermediate device

(as called for in claims 88 and 99), wherein the intermediate

device is a cable set top box (as called for in claims 89 and

100), allows equipment manufacturers to maintain a centralized

library containing the programming codes for each appliance 160,

thereby eliminating the need to provide programming codes within

each appliance 160, which reduces production costs, and

facilitating programming code updates.

9.   Claims 91-92, and 102-107 are rejected under 35

U.S.C. 103(a) as being unpatentable over Yang (US 6,133,847) in

view of Kitao (US006124804A) and [Sarma or Brock] as applied to

claim 14 above, and further in view of Gharapetian (US

2002/0101357).

Regarding claims 91-92, and 102-107, the combination

applied above comprises using the data received from each of the

RFID tags to automatically map select commands to select command

keys, as explained in the previous rejections of claim 82, but

lacks remote control device 100 simultaneously commanding a

plurality of appliances 160 when remote control device 100 is

placed in such a mode.

In an analogous art, Gharapetian's method comprises (a)

remote control 100 receiving a plurality of address codes (see

Fig. 5 and Sections [0028]-[0031]); and (b) remote control 100

using the received address codes to cause commands to be mapped

to select command keys such that activation of one or more of

the select command keys causes remote control 100 to control an

appliance that has been associated with each received address

code (see Fig. 3 and Sections [0018], [0024]-[0026], and

[0028]). Regarding claims 91-92, 102 and 105, Gharapetian

teaches that remote control 100 has at least one input device

120 that is dedicated to simultaneously turning on or off

electronic devices 102, 104, and 106 (see Sections [0017],

[0019], and [0020]). In other words, Gharapetian's method

comprises using the address codes of electronic devices 102,

104, and 106 to automatically map select commands to select

command keys in a mode of remote control 100 such that a

plurality of electronic devices 102, 104, and 106 are

simultaneously commandable when remote control 100 is placed

into the mode by a user pressing input device 120 that is

dedicated to simultaneously turning on or off electronic devices

102, 104, and 106. Once the command sequence/macro is setup, it

is stored in memory (par. 0023 of Gharapetian) without again

requiring the setup procedure. Obviously, the setup may include

user input of the address or input of the address from a tag as

suggested by col. 9 lines 16-25 teaching appliance ID input by

user selection or signal from the appliance. Regarding claims

103-104 and 106-107, it is understood that the pressing of input

device 120 that is dedicated to simultaneously turning on or off

electronic devices 102, 104, and 106 places remote control 100

in a home theater mode (as called for in claims 103 and 106) or

room mode (as called for in claims 104 and 107) since pressing

input device 120 simultaneously turns on or off a home theater

system comprising amplifier 102, TV 104, DVD player 106, control

boxes for room lighting, control boxes for controlling a room's

curtains, etc. (see Sections [0006]-[0009], [0017], and [0019]).

Allowable Subject Matter

10. Claims 72-81 are allowed.

Response to Arguments

11. The 112 first paragraph rejection is withdrawn in view of

applicant's arguments.

12. Applicant's arguments filed 11-14-2007 regarding the prior

art rejections have been fully considered but they are not

persuasive.

The argument that the examiner admits that Stefanik,

Kaario, Nickum, Yang, Kitao, Sarma and/or Brock do not suggest

the claimed invention is incorrect. The examiner makes no such

admission.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Although Stefanik does not expressly disclose the smartcard to be an RFID tag, the smartcard includes identification data that can be contactless, suggesting RFID tag. Mapped preferences are not expressly disclosed, but suggested by the smartcard including bookmarks, account names, etc. Suggesting linked or mapped settings.

The argument that Kaario discloses two alternative embodiments of (first) uploading preference information from RFID token or other device, (second) uploading from RFID tag a pointer to a relay location on a network with a URL to an Internet server with a profile *not maintained on an appliance* to overcome problems with the first embodiment is not persuasive because the disclosure of Kaario does not require a second embodiment with a *profile not maintained on an appliance* because par. 0039 of Kaario discloses that mass storage containing the profile may be stored locally or remotely. The entire computer/appliance could be replaced with a server operating

offsite.   Therefore, the profile on the server may be *maintained*

on the appliance, because the server may be the appliances.

Further, the local/remote memory/server of Kaario is sufficient

to encompass applicant's claimed "memory of an appliance" that

does not limit the location of the memory.   Also, par. 0043 of

Kaario states that the instead of URLs, the location data may be

any suitable addressing mechanism permitting the location of

data that corresponds to preferences mapped to an individual .

The argument that the profile of Kaario may be moved is not

persuasive because this is not precluded by applicant's claims.

The argument that Kaario "teaches directly against" the

invention is not persuasive because Kaario does not directly

state that the invention does not work.

The argument that Nickum discloses user ID of alphanumeric

keys input on a remote and sent to an appliance to determine a

level of access does not suggest "at least the claimed elements

of using of data received from an RFID tag and forwarded from a

universal remote control to retrieve from the memory device of

the appliance the one or more appliance operational preferences

that have been mapped to the individual represented by the

data received from the RFID tag and configuring the appliance

according to the retrieved appliance operational preferences" is

not persuasive because Nickum discloses using user ID to select

a user customizable profile (abstract) that correspond to the

mapped preferences of applicant's claims. Obviously, the ID may

be input by a smartcard or RFID tag instead of manual entry on

alphanumeric keys as taught in par. 0066 of Kaario.

The argument that no (individual) reference of record

suggests (or discloses or teaches) applicant's claimed invention

is not persuasive for the reasons stated above.

In response to applicant's argument that there is no

suggestion to combine the references, the examiner recognizes

that obviousness can be established by combining or modifying

the teachings of the prior art to produce the claimed invention

where there is some teaching, suggestion, or motivation to do so

found either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art. See *In

re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re

Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this

case, Kaario teaches reading an ID from an RFID token or tag to

identify a user profile as an alternative to uploading the

profile form a smartcard as in Stefanik or manual input as in

Nickum. Nickum further teaches inputting user ID into the

remote to select a profile on an appliance as an alternative to

uploading storing/uploading profile into the remote as in

Stefanik. Also, alternative location would have obvious since

it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. Further, the references identify a finite number of input mechanisms and/or locations for the problem of selecting a user profile that would have established prima facie case obvious in view of the obvious to try rationale in MPEP 2143.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

The argument that by acknowledge admission, Yang has a single data interface that lacks a device of the universal remote dedicated to obtaining data from a machine readable tag is not persuasive because at least col. 3 lines 40-46 of Yang discloses different medium for transmitting control information and reading or downloading ID or programming code. Different medium suggest different or dedicated devices as provided by the

two separate transmitters in Kitao. Kitao and Yang do not

recite the term RFID, but include ID memory attached to the

appliance that suggests an RFID. The argument that Yang teaches

directly against the invention is not persuasive because Yang

does not teach that the invention will not work.

The argument that Kitao, like Yang, discloses an appliance

with hardware and software to configure a remote control is not

persuasive because the appliance of Kitao includes an ID or

device code storage attached to the appliance and suggesting an

RFID tag. Further, Kitao includes a trigger transmitter 301

dedicated to requesting or obtaining the ID that is separate

from the command transmitter 302.

The argument that Sarma lacks the same limitations

discussed above because Sarma "merely" states that "it is likely

that [RFID] tags will find new and unexpected uses" is not

persuasive because Sarma is not limited to this one statement,

rather Sarma discloses using such tags for plug and play in the

home (sec. 8.2) and HAVi (home appliance) self configuring

device discovery (sec. 8.4) on pages 14-15 that suggests using

tag reader and RFID tags for the home appliance remote control

of Yang and/or Kitao. The argument that Brock is limited to

supply chain and store management processes is not persuasive

because clearly discloses use in diverse environments such as

the home in sec. 2, par. 2 on pg. 5.

The argument that no (individual) reference of record

suggests (or discloses or teaches) applicant's claimed invention

is not persuasive for the reasons stated above.

The argument that there is no reason to combine the

references is not persuasive because reasons are applied in the

rejection. For example, Kitao teaches a dedicated ID obtaining

transmitter codes for the problem of configuring a remote as an

alternative to a single transmitter that also transmits control

codes (see MPEP 2143). Sarma and Brock teach using RFID in the

home for configuring devices with advantages such as flexible,

simple, extensible and efficient retrieval of pertinent

information to identify items for use in the home and suggested

by Kitao disclosing device code with manufacturer and device

data in the a memory tagging an appliance for configuring a

remote controller.

The argument that the combination would require extensive

redesign of the system of Yang is not persuasive because the

test for obviousness is not whether the features of a secondary

reference may be bodily incorporated into the structure of the

primary reference; nor is it that the claimed invention must be

expressly suggested in any one or all of the references.

Rather, the test is what the combined teachings of the

references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Applicant has not argued the additional prior art rejections of claims 87-92 and 98-107, therefore the rejections are deemed proper.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (571) 272-3058. The

examiner can normally be reached on M-F from 9:00 to 5:30.

If attempts to reach the examiner by telephone are
unsuccessful, the examiner's supervisor, Brian Zimmerman, can be
reached on (571) 272-3059.

The fax phone number for the organization where this
application or proceeding is assigned is 571-273-8300.

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